

**A bill to establish an uniform system of bankruptcy throughout the United States.  
30th January, 1800. Further consideration postponed until next Tuesday week.  
Published by order of the House of representatives.**

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Mr Edmon

A BILL TO ESTABLISH AN UNIFORM SYSTEM OF BANKRUPTCY THROUGHOUT THE UNITED STATES.

30th January, 1800.

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A BILL

*To establish an uniform System of Bankruptcy throughout the United States.*

1 Sec. 1. BE it enacted by the Senate and House of Representatives of the United States of 2 America, in Congress assembled, That from and after the 3 first day of June next, if any merchant, or other person, 4 residing within the United States, actually 5 using the trade of merchandize, by buying and selling 6 in gross, or by retail, or dealing in exchange, or as 7 a banker, broker, factor, underwriter, or *marine* insurer, 8 shall, with intent unlawfully to delay or defraud 8 his or her creditors, depart from the state in 9 which such person usually resides, or remain absent 10 therefrom, or conceal him or herself therein, or keep 11 his or her house, so that he or she cannot be taken 12 or served with process, or willingly or fraudently 13 procure him or herself to be arrested, or his or her 14 lands, goods, money or chattels to be attached, sequestered, 15 or taken in execution, or shall secretly 16 convey his or her goods out of his or her house, or 17 conceal them to prevent their being taken in execution, 18 or make, or cause to be made, any fraudulent 19 conveyance of his or her lands, or chattels, or 20 make or admit any false or fraudulent security, or 21 evidence of debt, or being arrested for debt, or having 22 surrendered him or herself in discharge of bail, 23 shall remain in prison two months, or more, or escape 24 therefrom, or whose lands or effects being attached 25 by process issuing out of, or returnable to any court 26 of common law, shall not, within two months after 27 written notice thereof, enter special bail and dissolve 28 the same, or in districts in which attachments are not 29 dissolved by the entry of special bail, being arrested 30 for debt after his or her lands and effects, or any part 31 thereof, have been attached for a debt or debts amounting 32 to one thousand dollars or upwards, shall 33 not, upon notice of such attachment, give sufficient 34 security, for the payment of what may be recovered 35 in the suit in which he, or she, shall be arrested, at or 36 before the return day of the same, to be approved 37 by the judge of the district,

or some judge of the 38 court out of which the process issued upon which he 39 is arrested, or to which the same shall be returnable, 40 every such person shall be deemed and adjudged a 41 bankrupt: *Provided*, That no person shall be liable 42 to a commission of bankruptcy, if the petition be not 43 preferred, in manner hereinafter directed, within 44 six months after the act of bankruptcy committed.

1 Sec. 2. *And be it further enacted*, That the judge 2 of the district court of the United States, for the district 3 where the debtor resides, or usually resided 4 at the time of committing the act of bankruptcy, upon 5 petition, in writing, against such person or persons 6 being bankrupt, to him to be exhibited by any 7 one creditor, or by a greater number, being partners, 8 whose single debt shall amount to one thousand 9 dollars, or by two creditors, whose debts shall 10 amount to one thousand five hundred dollars, or 11 by more than two creditors, whose debts shall amount 12 to two thousand dollars, shall have power, 13 by commission under his hand and seal, to appoint 14 such good and substantial persons, being citizens of 15 the United States, and resident in such district, as 16 such judge shall deem proper, not exceeding three, 17 to be commissioners of the said bankrupt, and in 18 case of vacancy or refusal to act, to appoint others 19 from time to time as occasion may require, *Provided* 20 *always*, That before any commission shall issue, 5 21 the creditor or creditors petitioning, shall make 22 affidavit or solemn affirmation before the said judge, 23 of the truth of his, her or their debts, and give 24 bond, to be taken by the said judge, in the name 25 and for the benefit, of the said party, so charged as 26 a bankrupt, and in such penalty, and with such surety 27 as he shall require, to be conditioned for the proving 28 of his, her or their debts, as well before the 29 commissioners, as upon a trial at law, in case the 30 due issuing forth of the said commission shall be contested, 31 and also for proving the party a bankrupt, 32 and to proceed on such commission, in the manner 33 herein prescribed. And if such debt shall not be 34 really due, or after such commission taken out, it 35 cannot be proved that the party was a bankrupt, 36 then the said judge shall, upon the petition of the 37 party aggrieved, in case there be occasion, deliver 38 such bond to the said party, who may sue thereon 39 and recover such damages, under the penalty of 40 the same, as, upon trial at law, he shall make appear 41 he has sustained, by reason of any breach of 42 the condition thereof.

1 Sec. 3. *And be it further enacted*, That before the 2 commissioners shall be capable of acting, they shall 3 respectively, take and subscribe the following oath 4 or affirmation, which shall be administered by the 5 judge issuing the commission, or by any of the 6 judges of the supreme court of the United States, 7 or any judge, justice, or chancellor of any state 8 court, and filed in the office of the clerk of the 9 district court: "I. A. B. do swear, or affirm, that 10 I will faithfully, impartially, and honestly, according 11 to the best of my skill and knowledge, execute 12 the several powers and trust reposed in me, as a 13 commissioner in a commission of bankruptcy against 14 and

that without favor or 15 affection, prejudice or malice". And the commissioners 16 who shall be sworn as aforesaid, shall proceed, 17 as soon as may be, to execute the same, and upon 6 18 due examination, and sufficient cause appearing 19 against the party charged, shall and may declare 20 him or her to be a bankrupt: Provided, *That 21 before such examination be had, reasonable notice 22 thereof, in writing, shall be delivered to the person 23 charged as a bankrupt, or if he or she be not found at 24 his or her usual place of abode, to some person of the 25 family above the age of twelve years, or if no such 26 person appear, shall be fixed at the front or other 27 public door of the house, in which he or she usually 28 resides, and thereupon it shall be in the power of such 29 person, so charged, as aforesaid, to demand before 30 or at the the time appointed for such examination, that 31 a jury be impannelled to enquire into the fact or facts 32 alledged as the causes for issuing the commission, and 33 on such demand being made, the enquiry shall be had 34 before the judge granting the commission, at such time 35 as he may direct, and in that case, such person shall 36 not be declared bankrupt, unless by the verdict of the 37 jury, he shall be convicted of some one of the acts described 38 in the first section of this act:* Provided 39 also, That any commission which shall be taken 40 out as aforesaid, and which shall not be proceeded 41 in as aforesaid, within thirty days thereafter, 42 may be superseded by the said judge, who shall have 43 granted the same, upon the application of the party 44 thereby charged as a bankrupt, or of any creditor 45 of such person, unless the delay shall have been 46 unavoidable, or upon a just occasion.

1 Sec. 4. *And be it further enacted*, That the commissioners 2 so to be appointed, shall have power, 3 forthwith, after they have declared such person a 4 bankrupt, to cause to be apprehended, by warrant 5 under their hands and seals, the body of such bankrupt, 6 wheresoever to be found, within the United 7 States: *Provided*, They shall think, that there is 8 reason to apprehend that the said bankrupt intends 9 to abscond or conceal him or herself, and in case 10 it be necessary, in order to take the body of the 7 11 said bankrupt, shall have power to cause the doors 12 of the dwelling-house of such bankrupt, to be broken, 13 or the doors of any other house in which he or 14 she shall be found.

1 Sec. 5. *And be it further enacted*, That it shall be 2 the duty of the commissioners so to be appointed, 3 forthwith, after they have declared such person a 4 bankrupt, and they shall have power, to take into 5 their possession, all the estate, real and personal, of 6 every nature and description to which the said bankrupt 7 may be entitled, either in law or equity, in any 8 manner whatsoever, and cause the same to be inventoried 9 and appraised to the best value, (his or her necessary 10 wearing apparel, and the necessary wearing 11 apparel of the wife and children of such bankrupt 11 only excepted) and also to take into their possession, 12 and secure, all deeds and books of account, papers 13 and writings belonging to such bankrupt; and shall 14 cause the same to be safely kept, until assignees shall 15 be chosen or appointed, in manner hereafter 16 provided.

1 Sec. 6. *And be it further enacted*, That the said 2 commissioners shall forthwith, after they have declared 3 such person a bankrupt, cause due and sufficient 4 public notice thereof to be given, and in such 5 notice shall appoint some convenient time and place 6 for the creditors to meet, in order to choose an 7 assignee or assignees of the said bankrupt's estate and 8 effects; at which meeting the said commissioners 9 shall admit the creditors of such bankrupt, to prove 10 their debts;— and where any creditor shall reside at 11 a distance from the place of such meeting, shall 12 allow the debt of such creditor to be proved by 13 oath or affirmation, made before some competent 14 authority, and duly certified, and shall permit any 15 person duly authorized by letter of attorney from 16 such creditor, (due proof of the execution of such 17 letter of attorney being first made,) to vote in the 18 choice of an assignee or assignees of such bankrupt's 8 19 estate and effects, in the place and stead of such 20 creditor: and the said commissioners shall assign, 21 transfer or deliver over, all and singular the said 22 bankrupt's estate and effects aforesaid, with all 23 muniments and evidences thereof, to such person 24 or persons as the major part, in value, of such creditors, 25 according to the several debts then proved, 26 shall choose as aforesaid. *Provided always*, that in 27 such choice, no vote shall be given by, or in behalf 28 of any creditor whose debt shall not amount to 29 two hundred dollars.

1 Sec. 7. *Provided always, and be it further enacted*, 2 that it shall be lawful for the said commissioners, 3 as often as they shall see cause, for the better preserving 4 and securing the bankrupt's estate, before 5 assignees shall be chosen as aforesaid, immediately 6 to appoint one or more assignee or assignees of the 7 estate and effects aforesaid, or any part thereof; which 8 assignee or assignees aforesaid, or any of them, 9 may be removed at the meeting of the creditors, so 10 to be appointed as aforesaid, for the choice of assignees, 11 if such creditors, entitled to vote as aforesaid, 12 or the major part, in value, of them, shall 13 think fit, and such assignee or assignees as shall be 14 so removed, shall deliver up all the estate and effects 15 of such bankrupt, which shall have come to 16 his or their hands or possession, unto such other 17 assignee or assignees as shall be chosen by the creditors 18 as aforesaid; and all such estate and effects shall 19 be, to all intents and purposes, as effectually and 20 legally vested in such new assignee or assignees, as 21 if the first assignment had been made to him or them, 22 by the said commissioners, and if such first assignee or 23 assignees, shall refuse or neglect, for the space of 24 ten days next after notice, in writing from such new 25 assignee or assignees, of their appointment, as aforesaid, 26 to deliver over as aforesaid, all the estate and 27 effects as aforesaid, every such assignee or assignees, 28 shall, respectively, forfeit a sum not exceeding five 9 29 thousand dollars, for the use of the creditors, and 30 shall moreover be liable for the property so 31 detained.

1 Sec. 8. *And be it further enacted*, that at any time, 2 previous to the closing of the accounts of the said 3 assignee or assignees, so chosen as aforesaid, it shall 4 be lawful for such creditors of the

bankrupt, as are 5 hereby authorized to vote in the choice of assignees, 6 or the major part of them, in value, at a regular 7 meeting of the said creditors, to be called for that 8 purpose, by the said commissioners, or by one 9 fourth, in value, of such creditors, to remove all 10 or any of the assignees chosen as aforesaid, and to 11 choose one or more in his or their place and stead, 12 and such assignee or assignees as shall be so removed, 13 shall deliver up all the estate and effects of such 14 bankrupt, which shall have come into his or their 15 hands or possession, unto such new assignee or assignees 16 as shall be chosen by the creditors, at such 17 meeting, and all such estate and effects shall be, to 18 all intents and purposes, as effectually and legally 19 vested in such new assignee or assignees, as if the 20 first assignment had been made to him or them, by 21 the said commissioners: and if such former assignee 22 or assignees, shall refuse or neglect, for the space of 23 ten days next after notice, in writing, from such 24 new assignee or assignees, of their appointment, as 25 aforesaid, to deliver over, as aforesaid, all the 26 estate and effects aforesaid, every such former assignee 27 or assignees, shall, respectively, forfeit a 28 sum not exceeding five thousand dollars, for the 29 use of the creditors, and shall moreover be liable 30 for the property so detained.

1 Sec. 9. *And be it further enacted*, that whenever 2 a new assignee or assignees shall be chosen as aforesaid, 3 no suit at law or in equity shall be thereby 4 abated, but it shall and may be lawful for the court 5 in which any suit may depend, upon the suggestion 6 of a removal of a former assignee or assignees, and B 10 7 of the appointment of a new assignee or assignees, 8 to allow the name of such new assignee or assignees, 9 to be substituted in place of the name or names of 10 the former assignee or assignees, and thereupon the 11 suit shall be prosecuted in the name or names of the 12 new assignee or assignees, in the same manner as if 13 he or they had originally commenced the suit in his 14 or their own names.

1 Sec. 10. *And be it further enacted*, that the assignment 2 or assignments of the commissioners of 3 the bankrupt's estate and effects as aforesaid, made 4 as aforesaid, shall be good at law or in equity, against 5 the bankrupt, and all persons claiming by, 6 from, or under such bankrupt, by any act done at 7 the time, or after he shall have committed the act 8 of bankruptcy, upon which the commission issued. 9 *Provided always*, that in case of a *bona fide* purchase 10 made *before the issuing of the commission* from or 11 under such bankrupt, for a valuable consideration, 12 by any person having no knowledge, information 13 or notice of any act of bankruptcy committed, such 14 purchase shall not be invalidated or impeached.

1 Sec. 11. *And be it further enacted*, That the 2 said commissioners shall have power by deed or 3 deeds, under their hands and seals, to assign and 4 convey to the assignee or assignees, to be appointed 5 or chosen as aforesaid, any lands, tenements or hereditaments, 6 which such bankrupt

shall be seized of, or 7 entitled to, in fee tail, at law, or in equity, in 8 possession, remainder or reversion, for the benefit of the creditors, 9 and all such deeds being duly executed 10 and recorded according to the laws of the 11 state within which such lands, tenements or hereditaments 12 may be situate, shall be good and effectual 13 against all persons whom the said bankrupt, by common 14 recovery, or other means, might or could bar 15 of any estate, right, title, or possibility of or in the 16 said lands, tenements or hereditaments.

1 Sec. 12. *And be it further enacted*, That if any 2 bankrupt shall have conveyed or assured any lands, 11 3 goods or estate, unto any persons, upon condition 4 or power of redemption, by payment of money or 5 otherwise, it shall be lawful for the commissioners, 6 or for any person by them duly authorized for that 7 purpose, by writing, under their hands and seals, to 8 make tender of money or other performance according 9 to the nature of such condition, as fully as 10 the bankrupt might have done, and the commissioners, 11 after such performance or tender, shall have 12 power to assign such lands, goods and estate, for the 13 benefit of the creditors, as fully and effectually as 14 any other part of the estate of such bankrupt.

1 Sec. 13. *And be it further enacted*, That the 2 commissioners aforesaid shall have power to assign, 3 for the use aforesaid, all the debts due to such 4 bankrupt, or to any other person for his or her use 5 or benefit, which assignment shall vest the property 6 and right thereof in the assignee or assignees of such 7 bankrupt, as fully as if the bond, judgment, contract 8 or claim had originally belonged or been made 9 to the said assignees, and after the said assignment, 10 neither the said bankrupt, nor any person acting as 11 trustee for him and her, shall have power to recover or 12 discharge the same, nor shall the same be attached 13 as the debt of the said bankrupt, but the assignee 14 or assignees aforesaid, shall have such remedy to recover 15 the same, in his or their own name or names, 16 as such bankrupt might or could have had, if no 17 commission of bankruptcy had issued; and when any 18 action in the name of such bankrupt shall have been 19 commenced and shall be pending for the recovery 20 of any debt or effects of such bankrupt, which shall 21 be assigned or shall, or might become vested in the 22 assignee or assignees of such bankrupt as aforesaid, 23 then such assignee or assignees may claim to be, and 24 shall be thereupon admitted to prosecute such action 25 in his or their name for the use and benefit of the 26 creditors of such bankrupt: and the same judgment 27 shall be rendered in such action and all attachments 12 28 or other security taken therein, shall be in like manner 29 holden and liable, as if the said action had been 30 originally commenced in the name of such assignee 31 or assignees after the original plaintiff therein had 32 become a bankrupt as aforesaid: *Provided*, that 33 where a debtor shall have, *bona fide*, paid his debt 34 to any bankrupt, without notice that such person 35 bankrupt, he or she shall not be liable to pay the 36 same to the assignee or assignees.



1 Sec. 14. *And be it further enacted*, That if complaint 2 shall be made or information given to the 3 commissioners, or if they shall have good reason to 4 believe or suspect, that any of the property, goods, 5 chattels, or debts, of the bankrupt, are in the possession 6 of any other person, or that any person is 7 indebted to, or for the use of the bankrupt, then 8 the said commissioners shall have power to summon, 9 or cause to be summoned, by their attorney or 10 other person duly authorized by them, all such persons 11 before them, or the judge of the district where 12 such person shall reside, by such process, or other 13 means, as they shall think convenient, and upon 14 their appearance to examine them by parol or by 15 interrogatories, in writing, on oath, or affirmation, 16 which oath or affirmation they are hereby empowered 17 to administer, respecting the knowledge of all 18 such property, goods, chattels, and debts; and if 19 such person shall refuse to be sworn or affirmed, and 20 to make answer to such questions, or interrogatories 21 as shall be administered, and to subscribe the 22 said answers, or upon examination, shall not declare 23 the whole truth, touching the subject matter 24 of such examination, then it shall be lawful for the 25 commissioners, or judge, to commit such person to 26 prison, there to be detained until they shall submit 27 themselves to be examined in manner aforesaid, and 28 they shall moreover, forfeit double the value of all 29 the property, goods, chattels, and debts, by them 30 concealed.

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1 Sec. 15. *And be it further enacted*, That if any of 2 the aforesaid persons shall, after legal summons to 3 appear before the commissioners or judge, to be 4 examined, refuse to attend, or shall not attend at 4 the time appointed; having no such impediment as 5 shall be allowed of by the commissioners or judge, 6 it shall be lawful for the said commissioners or judge 7 to direct their warrants to such person or persons 8 as by them shall be thought proper, to apprehend 9 such persons as shall refuse to appear, and to bring 10 them before the commissioners or judge, to be examined; and 11 upon their refusal to come, to commit 12 them to prison, until they shall submit themselves to 13 be examined according to the directions of this act: 14 *Provided*, That such witnesses, as shall be so sent 15 for, shall be allowed such compensation as the commissioners, 16 or judge shall think fit, to be rateably 17 borne by the creditors, and if any person, other 18 than the bankrupt, either by subornation of others 19 or by his or her own act, shall wilfully or corruptly 20 commit perjury on such examination, to be taken 21 before the commissioners as aforesaid, the party so 22 offending, and all persons who shall procure any 23 person to commit such perjury, shall on conviction 24 thereof be fined not exceeding four thousand dollars, and 25 imprisoned not exceeding two years, and 26 moreover shall, in either case, be rendered incapable 27 of being a witness in any court of record.

1 Sec. 16. *And be it further enacted*, That if any 2 person or persons shall fraudulently or collusively 3 claim any debts, or claim or detain any real or 4 personal estate of the bankrupt, every such person 5 shall forfeit double the value thereof, to and for the 6 use of the creditors.

1 Sec. 17. *And be it further enacted*, That if any 2 person, prior to his or her becoming a bankrupt, 3 shall convey to any of his or her children, or other 4 persons, any lands or goods, or transfer his or her 14 5 debts or demands into other person's names, with 6 intent to defraud his or her creditors, the commissioners 7 shall have power to assign the same, in 8 as effectual a manner as if the bankrupt had been 10 actually seised or possessed thereof.

1 Sec. 18. *And be it further enacted*, That if any 2 person or persons who shall become bankrupt within 3 the intent and meaning of this act, and against 4 whom a commission of bankruptcy shall be duly 5 issued, upon which commission such person or persons, 6 shall be declared bankrupt, shall not, within 7 forty two days after notice thereof, in writing, to 8 be left at the usual place of abode of such person 9 or persons, or personal notice in case such person 10 or persons be then in prison, and notice given in 11 some gazette, that such commission hath been issued 12 and of the time and place of meeting of the commissioners, 13 surrender him or herself to the said commissioners, 14 and sign or subscribe such surrender, 15 and submit to be examined from time to time, 16 upon oath or solemn affirmation, by and before 17 such commissioners and in all things conform to 18 the provisions of this act, and also upon such his or 19 her examination, fully and truly disclose and discover 20 all his or her effects and estate, real and personal, 21 and how and in what manner, to whom and 22 upon what consideration, and at what time or times 23 he or she hath disposed of, assigned or transferred, 24 any of his or her goods, wares, or merchandize, 25 monies or other effects and estates, and of all books 26 papers, and writings relating thereunto, of which 27 he or she was possessed, or in or to which he or she was 28 any ways interested or entitled, or which any person 29 or persons shall then have, or shall have had in 30 trust for him or her, or for his or her use, at any 31 time before or after the issuing of the said commission, 32 or whereby such bankrupt, or his or her family 33 then hath, or may have or expect any profit, possibility 15 35 of profit, benefit or advantage whatsoever, 36 except only such part of his or her estate and effects 37 as shall have been really and *bona fide* before sold 38 and disposed of, in the way of his or her trade and 39 dealings, and except such sums of money as shall have 40 been laid out in the ordinary expenses of his or her family, 41 and also upon such examination, execute in 42 due form of law, such conveyance, assurance, and 43 assignment of his or her estate, whatsoever and 44 wheresoever, as shall be devised and directed by 45 the commissioners, to vest the same in the assignees, 46 their heirs, executors, administrators, and assigns 47 forever, in trust for the use of all and every the 48 creditors of such bankrupt, who shall come in and 49 prove their debts under the commission; and deliver 50 up unto the commissioners, all such part of his or 51 her the said



bankrupt's goods, wares, merchandizes, 52 money, effects and estate, and all books, papers, 53 and writings relating thereunto as at the time of such 54 examination shall be in his or her possession, custody 55 or power, (his or her necessary wearing apparel, 56 and the necessary wearing apparel of the wife and 57 children of such bankrupt only excepted,) then he 58 or she the said bankrupt, upon the conviction of 59 any wilful default, or omission in any of the matters 60 or things aforesaid, shall be adjudged a fraudulent 61 bankrupt, and shall suffer imprisonment for a term 62 not less than twelve months, nor exceeding ten 63 years, and shall not, at any time after, be entitled 64 to the benefits of this act: *Provided always*, That 65 in case any bankrupt shall be in prison or custody 66 at the time of issuing such commission, and is willing 67 to surrender and submit to be examined, according 68 to the directions of this act, and can be brought 69 before the said commissioners and creditors for that 70 purpose, the expense thereof shall be paid out of 71 the said bankrupt's effects, and in case such bankrupt 73 is in execution, or cannot be brought before 74 the commissioners, that then the said commissioners, 16 75 or some one of them, shall from time to time, attend the 76 said bankrupt in prison or custody, and take his or 77 her discovery as in other cases, and the assignees, 78 or one of them, or some person appointed by them 79 shall attend such bankrupt in prison or custody, and 80 produce his or her books, papers and writings, in 81 order to enable him or her to prepare his or her discovery, 82 a copy whereof the said assignees shall apply 83 for, and the said bankrupt shall deliver to them 84 or their order, within a reasonable time after the 85 same shall have been required.

1 Sec. 19. *And be it further enacted*, That the 2 said commissioners shall appoint, within the said forty 3 two days, so limited as aforesaid, for the bankrupt 4 to surrender and conform as aforesaid, not less 5 than three several meetings for the purposes aforesaid, 6 the third of which meetings shall be on the last 7 of the said forty two days: *Provided always*, That 8 the judge of the district within which such commission 9 issues, shall have power to enlarge the time so 10 limited as aforesaid, for the purposes aforesaid, as 11 he shall think fit, not exceeding fifty days, to be 12 computed from the end of the said forty two days, 13 so as such order for enlarging the time be made at 14 least six days before the expiration of said term.

1 Sec. 20. *And be it further enacted*, That it shall be 2 lawful for the commissioners, or any other person 3 or officers, by them to be appointed, by their warrant, 4 under their hands and seals, to break open 5 in the day time the houses, chambers, shops, warehouses, 6 doors, trunks, or chests of the bankrupt, 7 where any of his or her goods or estate, deeds, 8 books of accounts or writings, shall be, and to take 9 possession of the goods, money, and other estate, 10 deeds, books of account or writings of such 11 bankrupt.

1 Sec. 21. *And be it further enacted*, That if the 2 bankrupt shall refuse to be examined or to  
answer 3 fully, or to subscribe his or her examination as aforesaid, 17 4 it shall be lawful for the  
commissioners to 5 commit the offender to close imprisonment, until 6 he or she shall conform  
him or herself; and if the 7 said bankrupt shall submit to be examined, and upon 8 his or her  
examination, it shall appear that he 9 or she hath committed wilful or corrupt perjury, he 10 or she  
may be indicted therefor, and being thereof 11 convicted, shall suffer imprisonment for a term not  
12 less than two years, nor exceeding ten years.

1 Sec. 22. *And be it further enacted*, That every 2 bankrupt, having surrendered, shall, at all seasonable  
3 times before the expiration of the said forty 4 two days, as aforesaid, or of such further time as  
5 shall be allowed to finish his or her examination be 6 at liberty to inspect his or her books and  
writings, 7 in the presence of some person to be appointed by 8 the commissioners, and to bring  
with him or her 9 for his or her assistance, such persons as he or she 10 shall think fit, not exceeding  
two at one time, and 11 to make extracts and copies to enable him or her 12 to make a full discovery  
of his or her effects; and 13 the said bankrupt shall be free from arrests in coming 14 to surrender,  
and after having surrendered, to the 15 said commissioners, for the said forty two days, or 16  
such farther time as shall be allowed for the finishing 17 his or her examination, and in case such  
bankrupt 18 shall be arrested for debt, or taken on any escape-warrant 19 or execution, coming  
to surrender, 20 or after his surrender within the time before mentioned, 21 then on producing  
such summons or notice 22 under the hand of the commissioners, and giving 23 the officer a copy  
thereof, he or she shall be discharged; 24 and in case any officer shall afterwards detain 25 such  
bankrupt, such officer shall forfeit to such 26 bankrupt for his or her own use, ten dollars for every  
27 day he shall detain the bankrupt.

1 Sec. 23. *And be it further enacted*, That every 2 person who shall knowingly or wilfully receive or 3  
keep concealed any bankrupt, so as aforesaid summoned C 18 4 to appear, or who shall assist such  
bankrupt 4 in concealing him or herself, or in absconding, shall 5 suffer such imprisonment, not  
exceeding twelve 6 months; or pay such fine to the United States, not 7 exceeding one thousand  
dollars, as upon conviction 8 thereof shall be adjudged.

1 Sec. 24. *And be it further enacted*, That the said 2 commissioners shall have power to examine, upon  
3 oath or affirmation, the wife of any person lawfully 4 declared a bankrupt, for the discovery of  
such 5 part of his estate as may be concealed or disposed 6 of by such wife, or by any other person,  
and the 7 said wife shall incur such penalties for not appearing 8 before the said commissioners, or  
refusing to 9 be sworn or affirmed, or examined, and to subscribe 10 her examination, or for not  
disclosing the 11 truth, as by this act is provided against any other 12 person in like cases.

1 Sec. 25. *And be it further enacted*, That in case any 2 person shall be committed by the  
commissioners for 3 refusing to answer, or for not fully answering any 4 question, or for any  
other cause, the commissioners 5 shall, in their warrant specify such question or other 6 cause of  
commitment.

1 Sec. 26. *And be it further enacted*, That if after 2 the bankrupt shall have finished his or her final  
examination 3 any other person or persons shall voluntarily 4 make discovery of any part of  
such bankrupt's 5 estate, before unknown to the commissioners, such 6 person or persons shall  
be entitled to five per cent 7 out of the effects so discovered, and such farther 8 reward as the  
commissioners shall think proper, and 9 any trustee having notice of the bankruptcy, wilfully 10  
concealing the estate of any bankrupt, for the 11 space of ten days after the bankrupt shall have  
finished 12 his final examination, as aforesaid, shall forfeit 13 double the value of the estate so  
concealed, for the 15 benefit of the creditors.

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1 Sec. 27. *And be it further enacted*, That if any 2 person shall become bankrupt, and at such time,  
by 3 consent of the owner, have in his or her possession 4 and disposition, any goods whereof he  
or she shall 5 be reputed owner, and take upon him or herself, 6 the sale, alteration, or disposition  
thereof, as owner, 7 the commissioners shall have power to assign the 8 same, for the benefit of the  
creditors, as fully as 9 any other part of the estate of the bankrupt.

1 Sec. 28. *And be it further enacted*. That if any 2 bankrupt, after the issuing any commission against  
3 him or her, pay to the person who sued out the same, 4 or give or deliver to such person, goods  
or any other 5 satisfaction or security for his or her debt, 6 whereby such person shall privately have  
and receive 7 a greater proportion of his or her debt than the 8 other creditors, such preference  
shall be a new act 9 of bankruptcy, and on good proof thereof, such 10 commission, shall and may  
be superseded, and it 11 shall and may be lawful for either of the judges, having 12 authority to  
grant the commission as aforesaid 13 to award any creditor petitioning, another commission, 14 and  
such person so taking such undue satisfaction 15 as aforesaid, shall forfeit and lose, as well 16 his or  
her whole debts, as the whole he or she shall 17 have taken and received, and shall pay back, or 18  
deliver up the same, or the full value thereof, to 19 the assignee or assignees who shall be appointed  
or 20 chosen under such commission in manner aforesaid, 21 in trust for, and to be divided amongst  
the other 22 creditors of the said bankrupt, in proportion to their 23 respective debts.

1 Sec. 29. *And be it further enacted*, That every 2 person who shall be chosen assignee of the estate  
3 and effects of a bankrupt, shall, at some time after 4 the expiration of four months, and within  
twelve 5 months from the time of issuing the commission, 6 cause at least thirty days public notice

to be given, 7 of the time and place the commissioners and assignees 20 8 intend to meet, to make a dividend or distribution 9 of the bankrupt's estate and effects; at which time the 10 creditors who have not before proved their debts, 11 shall be at liberty to prove the same, and upon every 12 such meeting, the assignee or assignees shall produce 13 to the commissioners and creditors then present, 14 fair and just accounts of all his or their receipts 15 and payments, touching the bankrupt's estate 16 and effects, and of what shall remain outstanding, 17 and the particulars thereof, and shall, if the creditors 18 then present, or a major part of them require the 19 same, be examined upon oath or solemn affirmation 20 before the same commissioners, touching the truth 21 of such accounts; and in such accounts, the said 22 assignee or assignees shall be allowed and retain all 23 such sum and sums of money as they shall have 24 paid or expended in suing out and prosecuting the 25 commission, and all other just allowances on account 26 of, or by reason or means of their being assignee or 27 assignees: and the said commissioners shall order 28 such part of the nett produce of the said bankrupt's 29 estate, as by such accounts, or otherwise, shall appear 30 to be in the hands of the said assignees, as they 31 shall think fit, to be forthwith divided among such 32 of the bankrupt's creditors as have duly proved 33 their debts under such commission, in proportion 34 to their several and respective debts, and the commissioners 35 shall make such their order for a dividend 36 in writing under their hands, and shall cause one 37 part of such order to be filed amongst the proceedings 38 under the said commission, and shall deliver unto 39 each of the assignees under such commission a 40 duplicate of such their order, which order of distribution 41 shall contain an account of the time and 42 place of making such order, and the sum total or 43 quantum of all the debts proved under the commission, 44 and the sum total of the money remaining 45 in the hands of the assignee or assignees to be divided, 46 and how many per cent in particular is there 21 47 ordered to be paid to every creditor of his debt; 48 and the said assignee or assignees in pursuance of 49 such order, and without any deed or deeds of distribution 50 to be made for the purpose, shall forthwith 51 make such dividend and distribution accordingly, 52 and shall take receipts in a book to be kept for the 53 purpose, from each creditor, for the part or share 54 of such dividend or distribution which he or they 55 shall make, and pay to each creditor respectively; 56 and such order and receipt shall be a full and effectual 57 discharge to such assignee for so much as he shall 58 fairly pay, pursuant to such order as aforesaid.

1 Sec. 30. *And be it further enacted*, That within 2 eighteen months, next after the issuing of the commission, 3 the assignee or assignees shall make a second 4 dividend of the bankrupt's estate and effects, in 5 case the same were not wholly divided upon the 6 first dividend, and shall cause due public notice to 7 be given of the time and place the said commissioners 8 intend to meet, to make a second distribution of 9 the bankrupt's estate and effects, and for the creditors, 10 who shall not before have proved their debts 11 to come in and prove the same; and at such meeting, 12 the said assignees shall produce, on oath or solemn 13 affirmation as aforesaid, their accounts of the

14 bankrupt's estate and effects, and what upon the 15 balance thereof, shall appear to be in their hands, 16 shall by like order of the commissioners, be forthwith 17 divided amongst such of the bankrupt's creditors 18 as shall have made due proof of their debts, in 19 proportion to their several and respective debts, 12 which second dividend shall be final, unless any suit 13 at law, or equity, be depending, or any part of the 14 estate standing out, that could not have been disposed 15 of, or that the major part of the creditors shall 16 not have agreed to be sold or disposed of, or unless 17 some other or future estate or effects of the bankrupt 18 shall afterwards come to, or rest in the said 19 assignees, in which cases the said assignees shall, as 22 20 soon as may be, convert such future or other estate 21 and effects into money, and shall within two months 22 after the same be converted into money, by like 23 order of the commissioners, divide the same among 24 such bankrupt's creditors, as shall have made due 25 proof of their debt under such commission.

1 Sec. 31. *And be it further enacted*, That in the 2 distribution of the bankrupt's effects there shall be 3 paid to every of the creditors a portion-rate, according 4 to the amount of their respective debts, so that 5 every creditor having security for his debt, by judgment, 6 statute, recognizance, or specialty, or having 7 an attachment under any of the laws of the 8 individual states, or of the United States on the 9 estate of such bankrupt, ( *Provided* there be no execution 10 executed upon any of the real or personal 11 estate of such bankrupt, before the time he or she 12 became bankrupts) shall not be relieved upon any 13 such judgment, statute, recognizance, specialty, 14 or attachment for more than a rateable part of his 15 debt, with the other creditors of the bankrupt.

1 Sec. 32. *And be it further enacted*, That the 2 assignees shall keep one or more distinct book or 3 books of account, herein he or they shall duly enter 4 all sums of money, or effects which he or they shall 5 have received or got into his or their possession of 6 the said bankrupt's estate, to which books of account 7 every creditor who shall have proved his or her 8 debt, shall at all reasonable times, have free resort 9 and inspect the same as often as he or she shall think 10 fit.

1 Sec. 33. *And be it further enacted*, That every 2 bankrupt, not being in prison or custody, shall at 3 all times after his surrender, be bound to attend the 4 assignees, upon every reasonable notice, in writing, 5 for that purpose, given or left at the usual place of 6 his or her abode, in order to assist in making out 7 the accounts of the said bankrupt's estate and effects 8 and to attend any court of record, to be examined 23 9 touching the same, or such other business as the said 10 assignees shall judge necessary; for which he shall 11 receive three dollars per day.

1 Sec. 34. *And be it further enacted*, That all and 2 every person and persons who shall become bankrupt 3 as aforesaid, and who shall, within the time 4 limited by this act, surrender him or herself to the 5 commissioners, and in all things conform as in and 6 by this act is directed, shall be allowed five per 7 cent upon the nett produce of all the estate that 8 shall be recovered in and

received, which shall be 9 paid unto him or her by the assignee or assignees, 10 in case the nett produce of such estate, after such 11 allowance made, shall be sufficient to pay the creditors 12 of said bankrupt who shall have proved their 13 debts under such commission, the amount of fifty 14 per cent, on their said debts, respectively, and so 15 as the said five per cent, shall not exceed in the 16 whole, the sum of five hundred dollars; and in case 17 the nett produce of the said estate shall, over 18 and above the allowance hereafter mentioned, be 19 sufficient to pay the said creditors seventy five per 20 cent, on the amount of their said debts respectively, 21 that then the said bankrupt shall be allowed ten 22 per cent, on the amount of such nett produce, to 23 be paid as aforesaid, so as such ten per cent, shall 24 not, in the whole, exceed the sum of eight hundred 25 dollars, and every such bankrupt shall be discharged 26 from all debts by him or her due or owing, at the 27 time he or she became bankrupt, and all which were 28 or might have been proved under the said commission, 29 and in case any such bankrupt shall afterwards be 30 arrested, prosecuted, or impleaded, for or on account 31 of any of the said debts, such bankrupt may appear 32 without bail, and may plead the general issue, and 33 give this act and the special matter in evidence: 34 And the certificate of such bankrupt's conforming, 35 and the allowance thereof, according to the directions 36 of this act shall be, and shall be allowed to be 24 37 sufficient evidence *prima facie* of the party's being 38 a bankrupt within the meaning of this act, and of 39 the commission and other proceedings precedent to 40 the obtaining such certificate, and a verdict shall 41 thereupon pass for the defendant, unless the plaintiff 42 in such action can prove the said certificate was 43 obtained unfairly and by fraud, or unless he can 44 make appear any concealment of estate or effects 45 by such bankrupt to the value of one hundred 46 dollars: Provided, *That no such discharge of a bankrupt, 47 shall release or discharge any person who was a 48 partner with such bankrupt at the time he or she became 49 bankrupt, or who was then jointly held or bound with 50 such bankrupt for the same debt or debts from which 51 such bankrupt was discharged as aforesaid.*

1 Sec. 35. *Provided always, and be it further enacted,* 2 That if the nett proceeds of the bankrupt's 3 estate, so to be discovered, recovered and received 4 shall not amount to so much as will pay all and 5 every of the creditors of the said bankrupt, who 6 shall have proved their debts under the said commission, 7 the amount of fifty per cent on their debts, 8 respectively, after all charges first deducted, that 9 then, and in such case, the bankrupt shall not be allowed 10 five per centum on such estate as shall be recovered 11 in, but shall have and be paid by the assignees 12 so much money as the commissioners shall think 13 fit to allow, not more than three hundred dollars, 14 nor exceeding three per centum on the nett proceeds 15 of the said bankrupt's estate.

1 Sec. 36. *Provided also, and be it further enacted,* 2 That no person becoming a bankrupt, according to 3 the intent and provisions of this act, shall be entitled 4 to a certificate of discharge, or to any of the benefits 5 of the act, unless the commissioners shall certify 6 under their hands, to the judge of



the district within 7 which such commission issues, that such bankrupt 8 hath made a full discovery of his or her estate and 9 effects, and in all things conformed him or herself to 25 10 the directions of this act, and that there doth not 11 appear to them any reason to doubt of the truth of 12 such discovery, or that the same was not a full discovery 13 of the said bankrupt's estate and effects; or 14 unless the said judge should be of opinion that the 15 said certificate was unreasonably denied by the commissioners, 16 and unless two thirds in number and in 17 value of the creditors of the bankrupt, who shall be 18 creditors for not less than fifty dollars, respectively, 19 and who shall have duly proved their debts under 20 the said commission, shall sign such certificate to the 21 judge, and testify their consent to the allowance of 22 a certificate of discharge, in pursuance of this act; 23 which signing and consent shall be also certified by 24 the commissioners; but the said commissioners shall 25 not certify the same till they have proof by affidavit 26 or affirmation, in writing of such creditors, or of the 27 persons respectively authorized for that purpose, 28 signing the said certificate, which affidavit or affirmation, 29 together with the letter or power of attorney 30 to sign, shall be laid before the judge of the district 31 within which such commission issues, in order 32 for the allowing the certificate of discharge, and the 33 said certificate shall not be allowed unless the bankrupt 34 make oath or affirmation in writing, that the 35 certificate of the commissioners, and consent of the 36 creditors thereunto, were obtained fairly and without 37 fraud; and any of the creditors of the said 38 bankrupt are allowed to be heard, if they shall think 39 fit before the respective persons, aforesaid, against 40 the making or allowing of such certificates by the 41 commissioners or judge.

1 Sec. 37. *And be it further enacted*, That if any 2 creditor, or pretended creditor of any bankrupt, 3 shall exhibit to the commissioners any fictitious or 4 false debt or demand, with intent to defraud the 5 real creditors of such bankrupt, and the bankrupt 6 shall refuse to make discovery thereof, and suffer 7 the fair creditors to be imposed upon, he shall lose D 26 8 all title to the allowance upon the amount of his 9 effects, and to a certificate of discharge as aforesaid, 10 nor shall he be entitled to the said allowance or 11 certificate, if he has lost at any one time fifty dollars, or 12 in the whole three hundred dollars, after the passing 13 of this act, and within twelve months before he became 14 a bankrupt, by any manner of gaming or wagering 15 whatever.

1 Sec. 38. *And be it further enacted*, That if any 2 bankrupt, who shall have obtained his certificate, 3 shall be taken in execution or detained in prison, 4 on account of any debts owing before he became a 5 bankrupt, by reason that judgment was obtained 6 before such certificate was allowed, it shall be lawful 7 for any of the judges of the court wherein judgment 8 was so obtained, or for any court, judge, or 9 justice within the district in which such bankrupt 10 shall be detained, having powers to award or allow 11 the writ of *habeas corpus*, on such bankrupt producing 12 his certificate so as aforesaid allowed, to order 13 any sheriff or gaoler who shall have such bankrupt 14 in his custody,

to discharge such bankrupt without 15 fee or charge, first giving reasonable notice to the 16 plaintiff, or his attorney, of the motion for such 17 discharge.

1 Sec. 39. *And be it further enacted*, That every 2 person who shall have *bona fide* given credit to, or 3 taken securities, payable at future days, from persons 4 who are or shall become bankrupts, not 5 due at the time of such person becoming bankrupt, 6 shall be admitted to prove their debts and contracts, 7 as if they were payable presently, and shall have a 8 dividend in proportion to the other creditors, discounting, 9 where no interest is payable, at the rate 10 of so much per centum per annum, as is equal to 11 the lawful interest of the state where the debt was 12 payable; and the obligee of any bottomry or 13 respondentia bond, and the assured in any policy of 14 insurance, shall be admitted to claim, and after the 27 17 contingency or loss, to prove the debt thereon, in 18 like manner as if the same had happened before 19 issuing the commission; and the bankrupt shall be 20 discharged from such securities, as if such money 21 had been due and payable before the time of his or 22 her becoming bankrupt; and such creditors may 23 petition for a commission, or join in petitioning.

1 Sec. 40. *And be it further enacted*, That in case 2 any person committed by the commissioners warrant, 3 shall obtain a *habeas corpus*, in order to be discharged, 4 and there shall appear any insufficiency in 6 the form of the warrant, it shall be lawful for the 7 court or judge before whom such party shall be 8 brought by *habeas corpus*, by rule or warrant, to 9 commit such person to the same prison, there to remain 10 until he shall conform as aforesaid, unless it 11 shall be made to appear that he had fully answered 12 all lawful questions put to him by the commissioners; 13 or in case such person was committed for not signing 14 his examination, unless it shall appear that the 15 party had good reason for refusing to sign the same, 16 or that the commissioners had exceeded their authority 17 in making such commitment, and in case the 18 gaoler to whom such person shall be committed, 19 shall wilfully or negligently suffer such person to 20 escape, or go without the doors or walls of the 21 prison, such gaoler shall, for such offence, being 22 convicted thereof, forfeit a sum not exceeding three 23 thousand dollars, for the use of the creditors.

1 Sec. 41. *And be it further enacted*, That the 2 gaoler shall, upon the request of any creditor, 3 having proved his debt, and shewing a certificate 4 thereof, under the hands of the commissioners 5 (which the commissioners shall give without fee or 6 reward) produce the person so committed, and in 7 case such gaoler shall refuse to shew such person to 8 such creditor, requesting the same, such person shall 9 be considered as having escaped, and the gaoler or 10 sheriff so refusing, shall be liable as for a wilful 11 escape.

1 Sec. 42. *And be it further enacted*, That where 2 it shall appear to the said commissioners that there 3 hath been mutual credit given by the bankrupt, 4 and any other person, or mutual debts between them 5 at any time before such person became bankrupt, 6 the assignee or the assignees of the estate, shall state 7 the account between them, and one debt may be 8 set off against the other, and what shall appear to be 9 due on either side, on the balance of such account, 10 after such set off, and no more, shall be claimed or 11 paid on either side respectively.

1 Sec. 43. *And be it further enacted*, That it shall 2 and may be lawful to and for the assignee or assignees 3 of any bankrupt's estate and effects, under the direction 4 of the commissioners, and by and with the 5 consent of the major part in value of such of the said 6 bankrupt's creditors as shall have duly proved their 7 debts under the commission, and shall be present at 8 any meeting of the said creditors, to be held in pursuance 9 of due and public notice for that purpose 10 given, to submit any difference or dispute for, on 11 account of, or by reason or means of, any matter 12 cause or thing whatsoever, relating to such bankrupt, 13 or to his or her estate or effects, to the final 14 end and determination of arbitrators to be chosen 15 by the said commissioners, and the major part in 16 value of such creditors as shall be present at such 17 meeting as aforesaid, and the party or parties with 18 whom they shall have such difference or dispute, 19 and to perform the award of such arbitrators, or 20 otherwise to compound and agree the matter in 21 difference and dispute as aforesaid, in such manner 22 as the said assignee or assignees under the direction 23 and with the consent aforesaid, shall think fit and 24 can agree, and the same shall be binding on the several 25 creditors of the said bankrupt, and the said 26 assignee or assignees are hereby indemnified for what 27 they shall fairly do according to the directions 28 aforesaid.

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1 Sec. 44. *And be it further enacted*, That the assignees 2 shall be, and hereby are vested with full power 3 to dispose of all the bankrupt's estate real and personal 4 at public auction or vendue, without being 5 subject to any tax, duty, imposition, or restriction, 6 any law to the contrary notwithstanding.

1 Sec. 45. *And be it further enacted*, That if after 2 any commission of bankruptcy, sued forth, the bankrupt 3 happen to die before the commissioners shall 4 have distributed the effects, or any part thereof, the 5 commissioners shall, nevertheless, proceed to execute 6 the commission, as fully as they might have done if 7 the party were living.

1 Sec. 46. *And be it further enacted*, That where 2 any commission of bankruptcy shall be delivered to 3 the commissioners, therein named to be executed, 4 it shall and may be lawful for them before they take 5 the oath or affirmation of qualification, to demand 6 and take from the creditor, or

creditors prosecuting 7 such commission, a bond with one good security, if 8 required, in the penalty of one thousand dollars, 9 conditioned for the payment of the costs, charges, 10 and expenses, which shall arise and accrue upon the 11 prosecution of the said commission: *Provided always*, 12 that the expenses so as aforesaid to be secured and 13 paid by the petitioning creditor or creditors, shall 14 be re-paid to him or them by the commissioners or 15 assignees, out of the first monies arising from the 16 bankrupt's estate or effects, if so much be received 17 u therefrom.

1 Sec. 47. *And be it further enacted*, That the 2 district judges, in each district respectively, shall fix 3 a rate of allowance to be made to the commissioners 4 of bankruptcy, as compensation of services to be 5 rendered under the commission, and it shall be lawful 6 for any creditor, by petition to the district judge, 7 to except to any charge contained in the account 8 of the commissioners: and the said judge after 9 hearing the commissioners, may in a summary way 10 decide upon the validity of such exception.

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1 Sec. 48. *And be it further enacted*, That all penalties 2 given by this act, for the benefit of the creditors 3 shall be recovered by the assignee or assignees 4 by action of debt, and the money so recovered, the 5 charges of suit being deducted, shall be distributed 6 towards payment of the creditors.

1 Sec. 49. *And be it further enacted*, That if any 2 action shall be brought against any commissioner, or 3 assignee, or other person, having authority under 4 the commission for any thing done or performed by 5 force of this act, the defendant may plead the general 6 issue, and give this act and the special matter in 7 evidence, and in case of a nonsuit, discontinuance, or 8 verdict, or judgment for him, he shall recover double 9 costs.

1 Sec. 50. *And be it further enacted*, That if any 2 estate real or personal shall descend, revert to, or 3 become vested in any person, after he or she shall be 4 declared a bankrupt, and before he or she shall obtain 5 a certificate, signed by the judge as aforesaid, 6 all such estate shall, by virtue of this act, be vested 7 in the said commissioners, and shall be by them assigned 8 and conveyed to the assignee or assignees, in 9 fee simple, or otherwise, in like manner as above 10 directed with the estate of the said bankrupt, at the 11 time of the bankruptcy, and the proceeds thereof 12 shall be divided among the creditors.

1 Sec. 51. *And be it further enacted*, That the said 2 commissioners shall, once in every year, carefully 3 file, in the clerk's office of the district court, all the 4 proceedings had in every case before them, and 5 which shall have been finished, including the commissions, 6 examinations, dividends, entries, and other 7 determinations of the said commissioners, in which 8 office, the final certificate of the

said bankrupt may also be recorded; all which proceedings shall remain of record in the said office, and certified copies thereof shall be admitted as evidence in all courts, in like manner as the copies of the proceedings of the said district court are admitted in other cases.

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1 Sec. 52. *And be it further enacted*, That it shall be lawful for any creditor of such bankrupt, to attend all or any of the examinations of said bankrupt, and the allowance of the final certificate, if he shall think proper, and then and there to propose interrogatories, to be put by the judge or commissioners to the said bankrupt and others, and also to produce and examine witnesses and documents before such judge or commissioners, relative to the subject matter before them. And in case either the bankrupt or creditor shall think him or herself aggrieved by the determination of the said judge or commissioners, relative to any material fact, in the commencement or progress of the said proceedings, or in the allowance of the certificate aforesaid, it shall and may be lawful for either party to petition the said judge, setting forth such facts and the determination thereon, with the complaint of the party and a prayer for trial by a jury to determine the same, and the said judge shall, in his discretion, make order thereon, and award a *venire facias* to the marshal of the district, returnable within fifteen days before him, for the trial of the facts mentioned in the said petition, notice whereof shall be given to the commissioners and creditors concerned in the same; at which time the said trial shall be had, unless on good cause shewn, the judge shall give farther time, and judgment being entered on the verdict of the jury, shall be final, on the said facts, and the judge or commissioners shall proceed agreeably thereto.

1 Sec. 53. *And be it further enacted*, That it shall be lawful for the major part in value of the creditors, before they proceed to the choice of assignees to direct in what manner, with whom, and where the monies arising by, and to be received from time to time out of the bankrupt's estate, shall be lodged, until the same shall be divided among the creditors, as herein provided, to which direction every such assignee and assignees shall conform as often as three hundred dollars shall be received.

1 Sec. 54. *And be it further enacted*, That every matter and thing by this act required to be done by the commissioners of any bankrupt, shall be valid to all intents and purposes if performed by a majority of them.

1 Sec. 55. *And be it further enacted*, That in all cases where the assignees shall prosecute any debtor of the bankrupt for any debt, duty or demand, the commission, or a certified copy thereof, and the assignment of the commissioners of the bankrupt's estate, shall be conclusive evidence of

the issuing 8 the commission, and of the person named therein 9 being a trader and bankrupt, at the time mentioned 10 therein.

1 Sec. 56. *And be it further enacted, That every person 2 obtaining a discharge from his debts, by certificate 3 as aforesaid, granted under a commission of 4 bankruptcy, shall not, on any future commission, 5 be entitled to any other certificate than a discharge 6 of his person only; unless the nett proceeds of the 7 estate and effects of such person so becoming bankrupt 8 a second time, shall be sufficient to pay seventy 9 five per cent, to his or her creditors on the amount 10 of their debts respectively.*

1 Sec. 57. *And be it further enacted, That any 2 creditor of a person, against whom a commission of 3 bankruptcy shall have been sued forth, and who shall 4 lay his claim before the commissioners appointed in pursuance 5 of this act, may, at the same time declare his 6 unwillingness to submit the same to the judgment of the 7 said commissioners, and his wish that a jury may be 8 impannelled to decide thereon: And in like manner, 9 the assignee or assignees of such bankrupt may object to 10 the consideration of any particular claim by the commissioners, 11 and require that the same should be referred 12 to a jury. In either case, such objection and request 13 shall be entered on the books of the commissioners, and 33 14 thereupon an issue shall be made up between the parties, 15 and a jury shall be impannelled, as in other cases, to 16 try the same in the circuit court for the district in which 17 such bankrupt has usually resided. The verdict of such 18 jury shall be subject to the control of the court, as in 19 suits originally instituted in the said court, and when 20 rendered, if not set aside by the court, shall be certified 21 to the commissioners, and shall ascertain the amount of 22 any such claim, and such creditor or creditors shall be 23 considered in all respects, as having proved their debts 24 under the commission.*

1 Sec. 58. *And be it further enacted, That the lands 2 and effects of any person becoming bankrupt may be 3 sold on such credit, and on such security as a major part 4 in value of the creditors may direct: Provided, nothing 5 herein contained shall be allowed so to operate, as 6 to retard the granting the bankrupt's certificate.*

1 Sec. 59. *And be it further enacted, That if any 2 person becoming bankrupt, shall be in prison, it shall 3 be lawful for any creditor or creditors, at whose suit 4 he or she shall be in execution, to discharge him or 5 her from custody, or if such creditor or creditors shall 6 refuse to do so, the prisoner may petition the commissioners, 7 to liberate him or her; and thereupon, if, in 8 the opinion of the commissioners, the conduct of such 9 bankrupt shall have been fair, so as to entitle him or 10 her in their opinion, to a certificate, when by law, such 11 certificate might be given, it shall be lawful for them 12 to direct the discharge of such prisoner, and to enter 13 the same in their books; which being notified to the 14 keeper of the gaol in which such prisoner may be confined, 15 shall be a sufficient authority for his or her discharge: 16 Provided, That in either case, such discharge shall 17 be no bar to another execution,*



*if a certificate shall be 18 refused to such bankrupt; And provided also, that it 19 shall be no bar to a subsequent imprisonment of such 20 bankrupt, by order of the commissioners, in conformity 21 with the provisions of this act. E*

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1 Sec. 60. *And be it further enacted*, That this 2 act shall not repeal or annul, or be construed to repeal 3 or annul the laws of any state, now in force, 4 or which may be hereafter enacted, for the relief 5 of insolvent debtors, except so far as the same may 6 respect persons, who are, or may be clearly within 7 the purview of this act.

1 Sec. 61. *And be it further enacted*, That nothing 2 contained in this law shall, in any manner, affect 3 the right of preference to prior satisfaction of 4 debts due to the United States, as secured or provided by any law heretofore passed, nor shall be 6 construed to lessen or impair any right to, or security 7 for money due to the United States.

1 Sec. 62. *And be it further enacted*, That nothing 2 contained in this act shall be taken, or construed, 3 to invalidate or impair, any lien existing at the date 4 of this act, upon the lands or chattels of any person 5 who may become a bankrupt.

1 Sec. 63. *And be it further enacted*, That this act 2 shall continue in force during the term of five years, 3 and from thence to the end of the next session of Congress 4 thereafter, and no longer: Provided, That the 5 expiration of this act shall not prevent the complete 6 execution of any commission which may have been previously 7 thereto issued.

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